

Message

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Sent: 10/2/2020 6:39:44 PM
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Subject: FW: Hatch Act Message

Flag: Follow up

Diana Justina Fugh has asked each of the regions to send out a reminder of the Hatch Act obligations. We have sent out similar messages in the past. Below is a message we prepared for you to send out with an additional reminder of the CLE we are offering on Tuesday October 6.

Cecil

ALL EMPLOYEES
Please read this reminder about the Hatch Act!

On April 9, 2020, the Designated Agency Ethics Official, Jim Payne, sent out a mass mailer (attached) that reminded all EPA employees that we are bound by the federal ethics statutes and regulations and the Hatch Act *even in our telework locations*. With the November election just around the corner, OGC/Ethics wants to stress again the importance of the Hatch Act. This law, which applies to every EPA employee, regulates the extent to which EPA employees may engage in political activities, whether on EPA time, in the federal workplace (now including your telework location), or on your own time.

The Hatch Act defines *political activity* as any activity directed at the success or failure of a political party, partisan political group, or candidate for partisan political office. The term *does not include* issue-based advocacy, including Black Lives Matter, so long as there is no reference to partisan elections, candidates, groups, or parties.

The Hatch Act prohibits most federal employees from engaging in political activity while:

- On duty, including when teleworking or wearing an official uniform;
 - On federal property, including locations such as breakrooms and bathrooms;
- or

- Using government property, including government-owned vehicles.

The only exceptions to this rule are the Presidentially Appointed Senate confirmed (PAS) employees, who are *different* from other federal employees in that they are permitted to engage in political activity in the federal workplace, but only in their personal capacity and only for limited amounts of government time. While PAS appointees may interact with each other, they may not involve any other non-career SES, Schedule C or Administratively Determined employees and may never accept volunteer services from their subordinates.

There are several NEVER EVER prohibitions for ALL EMPLOYEES. We are all prohibited from doing the following, even on our own time, using our own resources and outside the federal workplace (which includes our telework location while we are working).

- DO NOT engage in partisan political fundraising. Although you may make a political donation, you cannot solicit, accept, or receive political contributions from others;
- DO NOT use official authority to interfere with or affect a partisan election, including referencing your official title or position while engaging in political activity;
- DO NOT knowingly solicit or discourage political participation of any person who has business with your office or region;
- DO NOT intimidate, threaten, coerce or command any federal employee, including subordinates, to engage or not engage in political activity, as this is also a crime under 18 U.S.C. 610; or
- DO NOT run for partisan political office, except if you are running as an independent candidate in a designated locality.

Additional restrictions apply regarding participation in partisan political management or partisan political campaigns, based on whether you are a *further restricted* or a *lesser restricted* employee. *Further restricted* employees are prohibited from taking active part in partisan political management or partisan political campaigns. At EPA, *further restricted* employees include career SES employees and Administrative Law Judges, and they may not:

- Hold office in partisan groups;
- Organize or manage political rallies or meetings;
- Assist in partisan voter registration drives;
- Work a phone bank asking individuals to volunteer;
- Make campaign speeches or otherwise campaigning for or against candidates;
- Distribute campaign materials (including via email or social media); or

- Circulate nominating petitions.

Lesser restricted employees (i.e., GS employees, Noncareer SES, Schedule C, SL/ST, Title 42, and Administratively Determined appointees) may take an active role in partisan political management or partisan political campaigns and can engage in the above activities, subject to the other restrictions in the Hatch Act.

To help you navigate the Hatch Act, the Office of General Counsel/Ethics has updated its handy Hatch Act chart and FAQs on social media, all of which are attached here. In addition, the Office of Regional Counsel Ethics Team can help you with questions about the Hatch Act. Please contact William Smith (x2690), Philip Yeany (x2495), Deirdre Stallworth (x2669) or Joseph Lisa (x7534) if you have questions. Also, the Ethics Officials in the General Counsel's Office (ethics@epa.gov) are always available to help you, and help is also available at the [Office of Special Counsel's website](#).

Stay healthy and ethical!

P.S. For training about the Hatch Act, on Tuesday October 6, the Region 3 Ethics Team is reprising the **2020 Federal Ethics Training** (previously presented Regionwide on July 9, and at the R3 Managers Retreat on 9/15). This live class on Microsoft Teams will include an overview of the "Standards of Ethical Conduct for Employees of the Executive Branch" (aka, the Federal Ethics Rules) and a summary of the Hatch Act, with social media and telework updates.

This Microsoft Teams class is open to all EPA Region 3 employees, and it fulfills the 2020 annual ethics training requirement for Region 3 Form 450 filers. The link for the Teams class is below.

Note #1: Form 450 filers may instead (or in addition) take the Agencywide online ethics course, focusing on "Outside Activities and Employment," which will be available later this year.

Note #2: Form 450 Non-filers are encouraged, but not required, to take the annual ethics training, either online or "live."

Note #3 Form 450 filers who want 2020 federal employee ethics training credit for the Teams class, **must register beforehand in FedTalent**. To do so, just follow these simple steps:

1. Click this link
<https://epafedtalent.ibc.doi.gov/mod/facetoface/view.php?id=13823> to access "All events in 2020 Federal Ethics Training and Hatch Act Overview"
2. Scroll down to "Upcoming Events" which will list this Oct. 6 class.

3. Click the “Sign-Up” link under the “Options” column on the right, which will access the screen “Sign-up for 2020 Federal Ethics Training and Hatch Act Overview”
4. Scroll down and click “Sign-Up.” (You may first “request special accommodations” and choose a confirmation receipt option.)
5. Your attendance at the Oct. 6 class will be confirmed by the Microsoft Teams attendance list.

If you have any FedTalent registration problems, please contact Ro Deal x2996, or Kathrina Konfirst, x5341.

Join Microsoft Teams Meeting

Learn more about Teams | Meeting options

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.